



Access Now & Mnemonic Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 40th Session Third Cycle for the Syrian Arab Republic

15 July 2021

About Access Now

Access Now is an international organisation that works to defend and extend the digital rights of users at risk around the world. Through representation around the world, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the continued openness of the internet and the protection of fundamental rights. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organisation, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

About Mnemonic

Mnemonic² works globally to help human rights defenders effectively use digital documentation of human rights violations and international crimes to support advocacy, justice and accountability. Our comprehensive, reliable data on takedowns of human rights documentation is the basis on which we advocate for better, less harmful content moderation policies by social media companies and governments. Our Syrian Archive³ project works in close collaboration with Syrian reporters and documentation groups to preserve digital information of the Syrian conflict: images, videos, and other postings that are invaluable historical artifacts and potential evidence of international crimes and human rights abuses.

Follow-up from Syria's second UPR cycle

1. The Universal Periodic Review (UPR) is an important U.N. mechanism aimed at addressing human rights issues across the globe. Access Now and Mnemonic welcome the opportunity to contribute to the Syrian Arab Republic (Syria's) third review cycle. This submission examines the state of digital rights in Syria, including freedom of expression, access to information, and the right to privacy.

¹ Access Now, <https://www.accessnow.org/>, 2021.

² Mnemonic, <https://mnemonic.org/>, 2021.

³ Syrian Archive, <https://syrianarchive.org/>, 2021.

2. During the second UPR cycle, Syria received 232 recommendations, accepting 158 and noting 74.⁴ None of the recommendations addressed digital rights specifically. One recommendation concerning the safety of journalists and human rights defenders was noted. Two recommendations about ensuring release of political prisoners and human rights defenders, as well as investigation into violations were accepted.
3. Since the last UPR review, the armed conflict in Syria has continued with no political solution for just and sustainable peace in sight. Armed state and non-state actors continue to subject the Syrian populace to horrific abuses including forced disappearances, arbitrary detention, torture, assassinations, sexual and gender-based violence, looting of private property, among other gross human rights violations.⁵ Despite accepting recommendations to free from incarceration and end persecutions of human rights defenders and activists, the Syrian government failed to implement these recommendations and continues to oppress and violently quell any attempt at political dissent.

Syria's international and domestic human rights obligations

4. Syria has signed the Universal Declaration of Human Rights (UDHR) and ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among other international human rights instruments.
5. Syria's Constitution of 2012 contains several provisions which affirm digital rights throughout the country including, but not limited to: the right to "freely and openly express ... views whether in writing or orally or by all other means of expression," (Article 42), protections of private life (Article 36), and "confidentiality of postal correspondence, telecommunications and radio and other communications" (Article 37).⁶

Freedom of expression and access to information

6. In this reporting period, the Syrian government has continued to tightly control and monitor the internet and the online activity of its population. Since the beginning of the armed conflict in Syria, online civic space and communication tools have become instrumental for political organising, citizen journalism, access to information, and

⁴ UPR Info, *2RP: Responses to Recommendations & Voluntary Pledges, Syrian Arab Republic*, available online: https://www.upr-info.org/sites/default/files/document/syrian_arab_republic/session_26_-_november_2016/recommendations_and_pledges_syrian_arab_republic_2016.pdf, 2016.

⁵ United Nations Human Rights Council, *UN Commission of Inquiry on Syria: No clean hands - behind the frontlines and the headlines, armed actors continue to subject civilians to horrific and increasingly targeted abuse*, available online: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26237&LangID=E>, 15 September 2020.

⁶ Constitute, *Syrian Arab Republic's Constitution of 2012*, available online: https://www.constituteproject.org/constitution/Syria_2012.pdf?lang=en

protest mobilisation.⁷ Social media platforms Facebook and YouTube are among the top three most visited websites in Syria as of 2021.⁸ As a result, they have become primary targets of censorship and control.

7. The Syrian government engages in extensive filtering and blocking of websites. In government-controlled areas, the Syrian authorities blocked websites of opposition, human rights organisations, local and regional media houses as well as any sites that are critical of the government, or of its political, cultural, social, or economic policies, high-level public officials as well as government corruption.⁹ Other non-political websites were blocked too including Wikipedia, WordPress and the U.S. Food and Drug Administration (FDA) — a source used by university students and faculty.
8. In 2017, the Syrian government unblocked several of those websites including Al Jazeera, Al Arabiya, Asharq al-Awsat, Al-Arab newspaper, and Al-Hayat.¹⁰ Similarly, in 2018, earlier restrictions on banned websites — such as the Syrian Human Rights Committee and the Syrian Observatory for Human Rights — were lifted, only to be later reinstated in 2019.¹¹ The government does not provide any explanation or legal grounds based on which it blocks or unblocks websites. Such blockages are excessive, arbitrary, and non-transparent. They constitute a significant attack on freedom of the press, and violate Syrians' right to access to information as well as their right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, through any media, and regardless of frontiers.
9. Actions by the Syrian government to coerce private internet intermediaries into restricting and regulating online content — under the excuse of stopping misinformation or fighting “fake news” — are worrisome. The cases of content regulation reported in Syria are particularly alarming because, among others, activists, journalists, bloggers, and human rights defenders working in and outside of the country, often critical of the government, rely on internet communication and platforms to document and expose human rights violations. Their publications have been subject to high rates of content removal, including instances of self-censorship.¹² Safe and accessible internet is crucial to communicate news outside of Syria, especially as independent and fact based-reporting

⁷ Newlines Magazine, *How the Syrian Revolution was Organized -- And How it Unraveled*, available online:

<https://newlinesmag.com/essays/how-the-syrian-revolution-was-organized-and-how-it-unraveled/>, 16 March 2021.

⁸ Alexa, *Top Sites in Syrian Arab Republic*, available online: <https://www.alexa.com/topsites/countries/SY>, 2021.

⁹ Freedom House, *Freedom on the Net 2020: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2020>, 2020.

¹⁰ Freedom House, *Freedom on the Net 2018: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2018>, 2018.

¹¹ *Id.*

¹² Access Now, *Access Now responds to Special Rapporteur Kaye on “Content Regulation in the Digital Age,”* available online: <https://www.accessnow.org/access-now-responds-special-rapporteur-kaye-content-regulation-digital-age/>, 11 January 2018.

is severely restricted.

10. In March 2018, the Syrian Council of Ministers passed **Anti-Cybercrime Law 9/2018**, creating specialised courts, public prosecution, and investigation units to handle cybercrime-related cases in every governorate.¹³ Shortly thereafter, the Syrian Ministry of Justice appointed 58 judges after they received training on cybercrime. According to the Gulf Center for Human Rights, the training which was held in July 2017, prior to the enactment of the law, included topics of filtering online content, especially on social media, and collecting data stored on computers, information systems, and storage devices.¹⁴
11. The new bill is an amendment to the previous cybercrime law passed in 2012 (Cybercrime Law 17/2012), making Syria the second country in the Middle East and North Africa (MENA) region to adopt such legislation.¹⁵ The bill affords the Syrian government the tools to use the law to restrict the rights to freedom of expression and opinion and access to information online.¹⁶ For instance, anyone who incites or promotes crime through computer networks is punished by up to three years in prison and fines of up to SYP 250,000 (US\$600).
12. The law is being enforced recklessly. On January 30, 2021, a Damascus-based presenter at a state-owned TV, Hala Jerf, was arrested and investigated under the cybercrime law for posting a comment on Facebook about the decline in living standards in Syria. Another seven people were also arrested as part of a campaign to “combat the spread of false news and rumours” on social media.¹⁷
13. In May 2021, the Syrian government released more than 400 civil servants, senior police officers, judges, lawyers, university students, and state-employed journalists who were detained earlier in the year under the cybercrime law for “distort[ing] and sow[ing] confusion in public opinion” on social media.¹⁸ While many of those released are pro-

¹³MENA Rights Group, Law of establishing specialized courts for cybercrime, available online: https://menarights.org/sites/default/files/2019-12/SYR_LawOfEstablishing%20SpecializedCourtsForCybercrime_25032018_AR.pdf , 25 March 2018.

¹⁴ GCHR, *Syria: Newly enacted Anti-Cybercrime Law threatens online freedom of opinion and expression*, available online: <https://www.gc4hr.org/news/view/1861>, 16 May 2018.

¹⁵Enab Baladi, 58 الجرائم المعلوماتية في سوريا, available online: <https://www.enabbaladi.net/archives/212812#ixzz59bqwG11O>, 12 March 12.

¹⁶ APC, *New anti-cybercrime legislation enacted in Syria*, available online: <https://www.apc.org/en/news/new-anti-cybercrime-legislation-enacted-syria> , 9 April 2018.

¹⁷ Reporters Without Borders, *Damascus TV presenter arrested under cyber-crime law*, available online: <https://rsf.org/en/news/damascus-tv-presenter-arrested-under-cyber-crime-law>, 3 February 2021.

¹⁸Enab Baladi, 58 الجرائم المعلوماتية في سوريا, available online: <https://www.enabbaladi.net/archives/212812#ixzz59bqwG11O>, 12 March 12.

Suleiman Al-khalidi, Reuters, *Syria releases hundreds of social media critics ahead of election*, available online: <https://www.reuters.com/world/middle-east/syria-releases-hundreds-social-media-critics-ahead-election-2021-05-11/>, 11 May 2021.

government loyalists, the crackdown was seen as an attempt to quell dissent ahead of the presidential elections on May 26, and amidst growing economic hardship. One pro-government journalist, Wahid Yazbak, was detained in 2018 and accused of “undermining the prestige of the state, weakening national sentiment, and disturbing serenity” for publicly criticising the Governor of Homs on Facebook.¹⁹

14. In addition to the cybercrime law, the Syrian government routinely uses the **Penal Code 148/1949**, and the **Media Law 108/2011** to detain those who criticize the actions of the Syrian government online.
15. At the same time, according to a study by the Syrian Center for Media and Freedom of Expression, pro-government hate speech is used more often by pro-government media than by opposition media or those active in Kurdish-controlled areas. The report noted that the government has significant influence on the media narrative and that outlets follow “a central authority represented by the Ministry of Information and then the security authorities, which makes their editorial policy unified and well-studied towards the promotion of the Syrian government’s political discourse.”²⁰
16. Information control through blocking of independent websites, silencing of dissenting speech, paired with the propagation of state-affiliated websites and social media pages, has a chilling effect on people’s rights to access information and freedom of expression and opinion.
17. Besides government-imposed censorship, self-censorship in Syria is widespread and prevents many Syrians from fully enjoying their rights to freedom of expression and opinion and access to information. Due to the egregious levels of violent reprisal and oppression, including torture, detention, and forced disappearance, Syrians self-censor and avoid many “sensitive topics” when communicating or even visiting websites online. Such topics include: President Bashar al-Assad, his late father Hafez al-Assad, the military, the ruling Baath party, influential government officials, religious freedom, ethnic and religious tensions, and criticisms of domestic and foreign policies. Under constant surveillance from the government, many even refrain from accessing websites associated with opposition, whether they are banned or not.²¹

¹⁹ SMEX, *Syrian Government Passes New Anti-Cybercrime Bill*, available online: <https://smex.org/syrian-government-passes-new-anti-cybercrime-bill/>, 14 March 2018.

²⁰ Enab Baladi, *The Ephemeral Illusion of Freedom: Pro-Regime Media under the Rule of Fear*, available online: <https://english.enabbaladi.net/archives/2019/06/the-ephemeral-illusion-of-freedom-pro-regime-media-under-the-rule-of-fear/>, 7 June 2019.

²¹ Freedom House, *Freedom on the Net 2020: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2020>, 2020.

18. Since the start of the COVID-19 pandemic, the Syrian government has continued to exercise strict control over how and what information is being disseminated, including information on the spread of COVID-19.²² On February 22, 2021, the Ministry of Health announced that the state news agency SANA, which is overseen by the intelligence services and the president's office, is the sole source of information on the COVID-19 pandemic.²³

The safety of journalists and human rights defenders

19. According to Freedom House, Syria is "one of the most dangerous places to use the internet in the world."²⁴ Citizen journalists, bloggers, and activists were detained and often tortured while in detention.
20. From 2011 to 2021, media and journalists in Syria faced violations against their work on average once in every three days, with 2016 having been the most dangerous year for journalists.²⁵ Since the last UPR cycle, journalists in Syria were and still are facing dangers associated with their profession:
- a. On 12 March 2017, freelance journalist Mohamed Abazied was killed in an airstrike on southwestern city of Daraa while he was reporting on Russian and Syrian airstrikes on the city.²⁶
 - b. Reporters Without Borders confirmed that four journalists were killed in connection to their professional work in 2017: Mehmet Aksoy, Ahmed Mohamed Al Dek, Ahmad Nayef Al-Hussein and Omar Abu Nabbot.²⁷
 - c. In 2018, in anticipation of the fall of the southern Syrian city of Deraa and concerned about the dangers of reprisals to remaining journalists, Reporters Without Borders and its partner Syrian Centre for Media helped to extract 30

²² Carnegie Middle East Center, *How the Pandemic is Amplifying the Impact of Conflict in Syria*, available online: <https://carnegie-mec.org/2020/12/17/how-pandemic-is-amplifying-impact-of-conflict-in-syria-pub-83473>, 17 December 2020; See also Center for Strategic and International Studies, *COVID-19: Compounding 10 Year of Health Crises in Syria*, available online: <https://www.csis.org/analysis/covid-19-compounding-10-years-health-crises-syria>, 18 February 2021; Physicians for Human Rights, *COVID-19 Amidst Syria's Conflict; Neglect and Suppression*, available online: <https://phr.org/our-work/resources/covid-19-amidst-syrias-conflict-neglect-and-suppression/>, 13 January 2021.

²³ Reporters Without Borders, *Middle East governments clamp down on coronavirus coverage*, available online: <https://rsf.org/en/news/middle-east-governments-clamp-down-coronavirus-coverage>, 27 March 2020.

²⁴ Freedom House, *Freedom on the Net 2018 - Syria*, available online via Refworld: <https://www.refworld.org/docid/5be16af6116.html> 1 <https://www.refworld.org/docid/5be16af6116.html>, November 2018.

²⁵ Syria Center for Media and Freedom of Expression, *Syria: The Black Hole for Media Work; 10 years of Violations*, available online: <https://scm.bz/en/en-studies/syria-the-black-hole-for-media-work-eng>, May 2021.

²⁶ Committee to Protect Journalists, *Syrian journalist killed by airstrike in Daraa*, <https://cpj.org/2017/03/syrian-journalist-killed-by-an-airstrike-in-daraa/>, 13 March 2017.

²⁷ Reporters Without Borders, *Violations of press freedom barometer*, available online: https://rsf.org/en/barometer?year=2017&type_id=240#list-barometre, 2017.

journalists and bring them to safety.²⁸

- d. In 2019, three journalists living in the government-controlled area announced that they will cease their media work as result from the security harassment and pressures that stemmed from the impunity laws of the Syrian government, which protect perpetrators from being held accountable for their human rights violations.²⁹
 - e. In 2019, 23 violations on journalists and media were documented in Syria. The number of violations declined in 2020 as the overall decline in the media work and less intensive fighting due to the COVID-19 pandemic.³⁰
21. Since the March 2011 demonstrations demanding democratic reform in Syria, tens of thousands of civilians, protestors, journalists, activists, and human rights defenders have gone missing, were detained or forcibly disappeared. The Syrian Network for Human Rights (SNHR) recorded the names of more than 100,000 people whose fate remains unknown.³¹ Numerous human rights organisations' continue to call for accountability for the unanswered cases of human rights defenders abducted in 2013 including Razan Zaitouneh, Wael Hamada, Samira Alkhalil and Nazim Hammadi.³²
22. In October 2015, after spending over 3 years in detention, human rights defender and software engineer Bassel Khartabil was executed, right after he was taken from the Adra prison. His family was not aware of this fact until almost two years after the fact. Mr. Khartabil's wife announced the fact of his death on August 1, 2017. The calls by Human Rights organisations on Syrian government to disclose circumstances of Mr. Khartabil's death remained unanswered.³³

Gender Based Violence against journalists

²⁸ Reporters Without Borders, *Toll of ten years of civil war on journalists in Syria*, available online: <https://rsf.org/en/news/toll-ten-years-civil-war-journalists-syria>, 12 March 2021.

²⁹ Syria Center for Media and Freedom of Expression, *Syria: The Black Hole for Media Work; 10 years of Violations*, available online: <https://scm.bz/en/en-studies/syria-the-black-hole-for-media-work-eng>, May 2021 at p. 37.

³⁰ Syria Center for Media and Freedom of Expression, *Syria: The Black Hole for Media Work; 10 years of Violations*, available online: <https://scm.bz/en/en-studies/syria-the-black-hole-for-media-work-eng>, May 2021.

³¹ Amnesty International, *10's of 1000's*, available online: <https://tensofthousands.amnesty.org/>

³² Ifex, *The Disappeared: Where are Syria's forcibly disappeared activists?* available online: <https://ifex.org/the-disappeared-where-are-syrias-forcibly-disappeared-activists/>, 13 December 2019.

³³ Access Now, *Syria: Rights groups condemn extrajudicial execution of human rights defender and software engineer Bassel Khartabil*, available online: <https://www.accessnow.org/syria-rights-groups-condemn-extrajudicial-execution-human-rights-defender-software-engineer-bassel-khartabil/>, 4 August 2017.

23. Women journalists, as noted by the Syrian Center for Media and Freedom of Expression are facing additional, intersecting gender-based violence. While access to the internet and media platforms provide women with opportunities and access to knowledge and information, they also produce new forms of violence against them.³⁴ Internet platforms turned into the platforms of defamation, harassment, abuse, and violence, deepening already existing prejudices and discrimination against women, reinforcing abuse and bullying patterns.³⁵
24. In 2020, a freelance journalist Merna Alhasan, one of the first women covering the fighting in Idlib region, was subjected to repeated and escalating harassment from pro-government social media accounts, including a member of Syrian Parliament.³⁶ Harassment included attacks on social media, false reports and rumors being spread about her, being widely shared by the accounts of the media outlets associated with Syrian government.³⁷ Other female journalists working in the region confirmed that they were facing gender-related problems when doing their work, causing some of them to use ever changing pseudonyms to gain some sense of security.³⁸
25. In June 2020, the Syrian authorities arrested a woman journalist, Nada Mashraki, for publishing an article on judicial corruption. Mashraki, who is an editor of a Facebook news page with more than 180,000 subscribers called Latakia News Network (LNN), was accused of “publishing false news to undermine the prestige of the state and insulting the judiciary.” Her husband, who helps her run LNN, was also arrested and the article was deleted.³⁹

Connectivity

26. Syria’s telecommunication infrastructure is one of the most underdeveloped in the region, yet the rate of internet penetration remains relatively high and rises steadily. According to the International Telecommunication Union (ITU), in 2017, 34% of Syrians were using the internet.⁴⁰ The conditions of the use have however worsened with the increased and frequent electricity outages, military operations, and the ongoing armed

³⁴ Reporters Without Borders, *Sexist hate campaign against Idlib-based reporter*, available online: <https://rsf.org/en/news/sexist-hate-campaign-against-idlib-based-reporter>, 4 March 2020 (describing the smear campaign and attacks against freelance journalist Merna Alhasan and other female journalists).

³⁵ Syria Center for Media and Freedom of Expression, *Syria: The Black Hole for Media Work; 10 years of Violations*, available online: <https://scm.bz/en/en-studies/syria-the-black-hole-for-media-work-eng>, May 2021.

³⁶ Reporters Without Borders, *Sexist hate campaign against Idlib-based reporter*, available online: <https://rsf.org/en/news/sexist-hate-campaign-against-idlib-based-reporter>, 4 March 2020.

³⁷ *Id.*

³⁸ *Id.*

³⁹ Reporters Without Borders, *Journalist arrested in city controlled by Syrian government*, available online: <https://rsf.org/en/news/journalist-arrested-city-controlled-syrian-government>, 4 June 2020.

⁴⁰ The World Bank, *Individuals using the Internet (% of population) - Syrian Arab Republic*, available online: <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SY>, 2017.

conflict in the country.⁴¹

27. As of 2020, approximately one third of the country is disconnected from Syrian-operated Internet Service Provider (ISP) networks, and the Syrians therefore resorted to using WiMax (worldwide interoperability for microwave access) connections, internet cables, or connecting to the Turkish WI-FI providers who supply service to the local distributors who then provide residents with subscriptions.⁴²
28. The Syrian government exercises full control over the internet infrastructure and bandwidth via two government agencies: the Syrian Telecommunications Establishment (STE) and the Syrian Computer Society (SCG). The STE, a governmental body established in 1975 as part of the Ministry of Telecommunications and Technology, owns all fixed-line infrastructure in Syria, and serves both as an ISP and a telecommunications regulator in government-controlled areas. The SCG, on the other hand, controls the country's 3G infrastructure.
29. Independent VSAT, or satellite, internet is prohibited, and all private fixed-line and mobile ISPs are required to sign a memorandum of understanding to connect to the international internet via gateways controlled by the Syrian Information Organisation (SIO). Moreover, all ISPs and cybercafés operating in government-controlled areas must obtain a permit from the STE and a security permit from the Ministry of the Interior. Cybercafé owners are also required to monitor visitors and record their activities.⁴³
30. It is imperative that everyone, especially those in at-risk or under-served communities, have access to an open, secure, affordable, high-quality internet connection. In light of the COVID-19 pandemic, the internet is an essential tool for employment, education, health, communication, political engagement, and accessing other important resources. Moreover, those without a connection are cut off from exercising a broad range of human rights, including the rights to freedom of expression and opinion, and access to information.⁴⁴

Internet shutdowns

31. The #KeepItOn coalition — composed of more than 240 organisations from 105 countries around the world — track internet shutdowns worldwide. The 2021 #KeepItOn report, authored by Access Now, noted an alarming government-trend to shut down the

⁴¹ Freedom House, *Freedom on the Net 2020: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2020>, 2020.

⁴² *Id.*

⁴³ Phil Sands, The National News, *Syria tightens their control over internet*, available online: <https://www.thenationalnews.com/world/mena/syria-tightens-control-over-internet-1.508106>, 12 July 2021.

⁴⁴ Access Now, *Expanding connectivity to fight COVID-19: recommendations for governments and telcos*, available online: <https://www.accessnow.org/expanding-connectivity-to-fight-covid-19/>, 30 April 2020.

internet as a tool to suppress peoples' human rights amid conflict, as well as during pivotal moments, such as protests and elections.⁴⁵

32. Governments often attempt to justify internet shutdowns by claiming they are necessary to restore "public order" or "national security," to "prevent the spread of misinformation/disinformation," to "curb cheating on exams," or for "technical reasons." Yet governments typically order internet shutdowns under circumstances that reveal the shutdowns are in fact aimed at quelling protests or gagging citizens during important national events like elections.⁴⁶
33. In alignment with its human rights obligations, Syria must refrain from blocking or shutting down the internet and mobile communications services, particularly during elections and protests. Several U.N. bodies and independent experts have condemned internet shutdowns as a violation of international human rights law.⁴⁷ Despite clear guidance that internet shutdowns are never justified under international human rights law, Syria has reportedly shut down the internet:
 - a. Since 2016, the Syrian government has repeatedly unplugged the whole country from the internet during the Official High School Exams.⁴⁸ Official justification for such drastic actions that violate multiple human rights is that it is to avoid questions being leaked online ahead of time.⁴⁹ While the government announces them ahead of time, they last multiple days and affect not just those taking exams but everyone who depends on the internet for their business, health, education and other necessities.⁵⁰ Through the Shutdown Tracker Optimization Project (STOP), Access Now documented at least 12 shutdowns in the period from 2016 to 2021.⁵¹ Already in 2021, the Syrian government cut the entire nation off the internet between May 31 and June 22 for at least four and a half hours

⁴⁵ Access Now, *Shattered Dreams and Lost Opportunities: A year in the fight to #KeepItOn*, available online: https://www.accessnow.org/cms/assets/uploads/2021/03/KeepItOn-report-on-the-2020-data_Mar-2021_3.pdf, March 2021.

⁴⁶ Access Now, *#KeepItOn FAQ*, available online: <https://www.accessnow.org/keepiton-faq/>, 2021.

⁴⁷ Most recently summarised in the 15 June 2021 Report *Ending Internet shutdowns: a path forward*, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, U.N. Doc. A/HRC/47/24/Add.2, available online: <https://undocs.org/A/HRC/47/24/Add.2> at paras 13 - 14. See also, Access Now, *U.N. propels internet shutdowns into the spotlight, calls on key stakeholders to act, 1 July 2021*, available online: <https://www.accessnow.org/un-internet-shutdowns/>.

⁴⁸ Access Now, *Internet shutdowns during exams: when MENA governments fail the test*, available online: <https://www.accessnow.org/mena-internet-shutdowns-during-exams/>, 7 July 2021.

⁴⁹ SMEX, *Another internet blackout in Syria during exams*, available online: <https://smex.org/another-internet-blackout-in-syria-during-exams/>, 3 June 2021.

⁵⁰ *Id.*; See also Access Now, *Shattered Dreams and Lost Opportunities: A year in the fight to #KeepItOn*, available online: https://www.accessnow.org/cms/assets/uploads/2021/03/KeepItOn-report-on-the-2020-data_Mar-2021_3.pdf, March 2021.

⁵¹ Access Now, *Internet shutdowns during exams: when MENA governments fail the test*, available online: <https://www.accessnow.org/mena-internet-shutdowns-during-exams/>, 7 July 2021.

each day as students took their high school exams.⁵²

- b. Between 2011 and 2019, faced with lack of access to the internet through Syrian Internet Service Providers (ISPs), there was an independent attempt to set up a system that would allow Syrians more access — internet transmitters were set up on the Turkish side and connected to the receivers on the Syrian side. This setup did not involve neither Syrian nor Turkish governments, yet Turkey imposed their own censorship in the Kurdish-Syrian areas that were using Turkish ISPs, blocking several Arab and local news websites.⁵³
34. In October 2018, the Syrian Telecommunications Regulatory Authority (SYTRA, later renamed to the Syrian Telecommunication and Post Regulatory Authority or SY-TPRA) considered banning Voice over Internet Protocol (VoIP) services. This ban would affect those using popular apps such as WhatsApp. Threats of such a ban led to increased use of virtual private networks to avoid the restrictions, and the plans to ban VoIP services were abandoned.⁵⁴
35. Nevertheless, in 2019, reports indicate that people were having difficulties sending photo, audio, and video messages, occurring specifically on the government controlled territories.⁵⁵
36. During COVID-19 pandemic, services like Zoom and Netflix became essential to the hundreds of millions of people around the world, they were not available to Syrians, isolating them from the outside world.
37. In March 2020, the Ministry of Communications and Technology began the implementation of an “internet rationing” system, which reportedly resulted in increased prices: when a subscriber reaches a certain threshold of bandwidth use, the connection speed gets reduced.⁵⁶
38. With major power outages and an ongoing domestic gas crisis, the limitation on access to the internet ,such as internet rationing, impedes on people’s ability to stay connected

⁵² *Id.*

⁵³ SMEX, *Lost Telecommunications Amidst Belligerent Groups in Northeast Syria*, available online: <https://smex.org/lost-telecommunications-amidst-belligerent-groups-in-northeast-syria/>, 14 December 2020.

⁵⁴ Freedom House, *Freedom on the Net 2020: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2020>, 2020; See also SMEX, *Will Syria Follow In the UAE's Footsteps By Censoring VoIP Services?* available online: <https://smex.org/syria-voip-censorship/>, 19 October 2018.

⁵⁵ Freedom House, *Freedom on the Net 2020: Syria*, available online: <https://freedomhouse.org/country/syria/freedom-net/2020>, 2020; See also SMEX, *Censorship in Syria: A Double 'Virtual' Penalty*, available online: <https://smex.org/censorship-in-syria-a-double-virtual-penalty/>, 7 April 2021.

⁵⁶ Asharq Al-Awsat, *Syrian Regime Increases Gasoline Prices, Rations Internet Usage*, available online: <https://english.aawsat.com/home/article/2158706/syrian-regime-increases-gasoline-prices-rations-internet-usage>, 2 March 2020.

online.⁵⁷ The ongoing conflict in Syria and the COVID-19 pandemic are only exacerbating the challenge to stay connected, especially when healthcare information and services are online.⁵⁸

39. Internet shutdowns damage press freedom, prevent people from being able to fully exercise their right to freedom of assembly and violate their rights to freedom of opinion and expression. Internet shutdowns also hurt the safety and security of citizens, limit access to information and emergency services, negatively impact small and large businesses and their customers, and interfere with the provision of health, education, and e-services. Additionally, elections are one of the most important periods when free access to information is crucial.

Surveillance and the right to privacy

40. The UDHR and the ICCPR define privacy as a fundamental right. The Syrian Constitution also guarantees people protection of their private lives. One of the clearest examples of the interference with the right to privacy is surveillance, with human rights implications on and offline.
41. Online civic space in Syria is controlled by the Syrian government that regularly violates Syrians' rights to privacy, freedom of expression and opinion, access to information, as well as personal safety of millions of people.
42. In March 2021, Access Now and UIC John Marshall Law School International Human Rights Clinic issued a report documenting the Syrian government's manipulation and control of the internet, the systematic surveillance of an entire population, tech companies' compliance, and the devastating consequences for human rights.⁵⁹ The report found:
 - a. The Syrian government proactively monitors dissenters, either directly or through non-state actors, and how that digital monitoring facilitates the broader campaign of control and violence leading to arrests, torture, forced disappearances, and death of Syrian people.⁶⁰
 - b. The government is responsible for invasive digital infrastructure that includes content filtering systems aimed at combating political speech, shutting down and

⁵⁷ *Id.*

⁵⁸ Access Now, *Expanding connectivity to fight COVID-19: recommendations for governments and telcos*, available online: <https://www.accessnow.org/expanding-connectivity-to-fight-covid-19/>, 30 April 2020.

⁵⁹ Access Now, MedGlobal, UIC Law, Syria Justice and Accountability Centre, *Digital Domain: How the Syrian Regime's Mass Digital Surveillance Violates Human Rights*, available online: <https://www.accessnow.org/cms/assets/uploads/2021/03/Digital-domain-Syria-report.pdf>, March 2021.

⁶⁰ *Id.*

blocking of popular websites and apps, monitoring of internet traffic, stockpiling of data and using it to identify and target individuals.⁶¹

- c. Through surveillance, “phishing” operations, social engineering, malware downloads, and gaining access to passwords and networks through security force intimidation, the state-sanctioned Syrian Electronic Army (SEA) and the Syrian government have monitored and tracked down activists and human rights defenders in Syria, who are then tortured and killed.⁶²

43. The Syrian government also works with the private sector to implement state-sponsored violations.⁶³ For instance, the Syrian government’s surveillance campaign has been facilitated by the infrastructure and capabilities built on private sector’s technologies and platforms, such as the U.S. cybersecurity company Blue Coat (now Symantec), the Italian company Area SpA, South African MTN, and Facebook.⁶⁴
44. In 2020, the Syria Justice and Accountability Centre (SJAC) confirmed reports that the Syrian government, through its intelligence agencies, is surveilling Syrian dissidents who left the country, in violation of their human rights.⁶⁵
45. In spring of 2020 — at the height of the COVID-19 pandemic — a government-backed hacking campaign began distributing coronavirus-themed smartphone applications that turned out to be spyware. The government used the ongoing public service crisis to expand its surveillance capabilities.⁶⁶ Some applications were disguised to track people’s body temperatures, but in reality were running malware that can track people’s geolocation, launch other applications, record audio, access contacts, initiate calls and send text messages.⁶⁷

⁶¹ *Id.*

⁶² *Id.*

⁶³ Big Tech plays a role in implementing state-sponsored violations, including: Blue Coat (now Symantec), Area SpA, and MTN selling technology and software directly to the Syrian government, in full knowledge of its intended use; Facebook regularly deleting accounts of critics, and those documenting human rights abuses; and MTN Syria’s compliance of government orders to block text messages to undermine protest organisers. See Access Now, MedGlobal, UIC Law, Syria Justice and Accountability Centre, *Digital Domain: How the Syrian Regime’s Mass Digital Surveillance Violates Human Rights*, available online: <https://www.accessnow.org/cms/assets/uploads/2021/03/Digital-dominion-Syria-report.pdf>, March 2021; see also Access Now, *Facebook, Twitter, and YouTube must end the attack on critical voices in MENA*, available online: <https://www.accessnow.org/facebook-twitter-youtube-censor-human-rights-activists-in-mena/>, 17 December 2020.

⁶⁴ Access Now, MedGlobal, UIC Law, Syria Justice and Accountability Centre, *Digital Domain: How the Syrian Regime’s Mass Digital Surveillance Violates Human Rights*, available online: <https://www.accessnow.org/cms/assets/uploads/2021/03/Digital-dominion-Syria-report.pdf>, March 2021; see also Freedom House, *Freedom on the Net: Syria 2019*, available online: <https://freedomhouse.org/country/syria/freedom-net/2019>.

⁶⁵ Syria Justice and Accountability Centre, *The Shadows of Surveillance: Government Documents Confirm Syrian Embassies Monitored Syrians Abroad*, available online: <https://syriaaccountability.org/updates/2020/09/24/the-shadows-of-surveillance-government-documents-confirm-syrian-embassies-monitored-syrians-abroad/>, 24 September 2020.

⁶⁶ CyberScoop, *Syrian government surveillance campaign turns to spreading malware in coronavirus apps*, available online: <https://www.cyberscoop.com/coronavirus-syria-surveillance-apps-lookout/>, 16 April 2020.

⁶⁷ *Id.*

Recommendations

46. We urge that freedom of expression and opinion, access to information and the right to privacy are prominent issues in the upcoming UPR review cycle. We therefore recommend that Syria:
- a. Adhere to international human rights standards, and uphold its commitments to promote and protect the right to freedom of expression and opinion, allowing people to access the internet freely and without fear of surveillance or censorship;
 - b. Recognise and commit to guarantee the rights to freedom of peaceful assembly and association on and offline, particularly during mass protests;
 - c. Commit to ending violations of freedom of expression online by state and non-state actors, including against journalists and media workers; and refrain from slowing, blocking or shutting down internet and telecommunications services;
 - d. Cease use of the cybercrime law to prosecute internet users and suppress the right to freedom of expression and opinion, and review the law for adherence to Syria's commitments to the ICCPR and ICESCR;
 - e. Cease all surveillance operations and persecution of Syrians inside and outside of the country and uphold the right to privacy as enshrined in the Syrian constitution;
 - f. Ensure the prompt, impartial, and effective investigation into and stop the arbitrary detention, harassment and persecution of human rights defenders, activists and journalists;
 - g. Release all political prisoners held for peacefully exercising their legitimate rights to freedom of expression and association;
 - h. Sever any ties, financial and otherwise, with hacking and surveillance tech companies, and stop dissemination of spyware and malware;
 - i. Cooperate with U.N. and international investigative bodies, and issue standing invitations to U.N. Special Procedures, including the U.N. Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly and association, and the right to privacy.

47. The UPR is an important U.N. process aimed to address human rights issues worldwide. It is a rare mechanism through which citizens around the world get to work with the government to improve human rights and hold them accountable to international law. *For more information, please contact: un@accessnow.org and info@mnemonic.org.*